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London Luton Airport Expansion

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**8.32 Relationship between the Development Consent
Order Process and the Airspace Change Process**

Infrastructure Planning (Examination Procedure) Rules 2010

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The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
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**London Luton Airport Expansion Development Consent
Order 202x**

**8.32 RELATIONSHIP BETWEEN THE DEVELOPMENT CONSENT
ORDER PROCESS AND THE AIRSPACE CHANGE PROCESS**

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1 RELATIONSHIP BETWEEN THE DEVELOPMENT CONSENT ORDER PROCESS AND THE AIRSPACE CHANGE PROCESS

- 1.1.1 During the Preliminary Meeting on 10 August 2023, the Examining Authority (ExA) asked the Applicant for an explanation of the relationship between the Development Consent Order process, the Airspace Change Process and the extent to which the two processes overlap. This document provides an explanation of this relationship.

1.2 Airspace Change

- 1.2.1 Airspace change applies to any change to airspace as well as to the broader modernisation of airspace. Some changes to airspace can be local in nature to resolve a specific issue or deliver an increase in capacity locally, such as the AD6¹ airspace change affecting the position of the stack and the arrival routes to London Luton Airport implemented in February 2022.
- 1.2.2 All changes to airspace must be approved by the Civil Aviation Authority (CAA)² under the processes and procedures set out in CAP1616: Airspace Change - Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information (Ref 1).
- 1.2.3 In making decisions relating to airspace change, the CAA is also guided by its environmental objectives as set out by the Department for Transport (DfT) in 2014 (Ref 2).

1.3 Airspace Modernisation

- 1.3.1 The need for a coordinated airspace modernisation programme was formally launched by the DfT in 2017 when it published Upgrading UK Airspace Strategic Rationale Moving Britain Ahead (Ref 3). This tasked the CAA to prepare and maintain a coordinated strategy for modernising airspace, with the CAA and DfT as joint sponsor organisations for airspace modernisation. This had the express aim of improving the efficient use of airspace to maximise capacity and reduce environmental impacts.
- 1.3.2 The need to modernise airspace was confirmed in the Aviation 2050: the future of UK aviation Green Paper in December 2018 (Ref 4), with the CAA concurrently producing the first iteration of its Airspace Modernisation Strategy to 2040 (Ref 5), which has been updated following the pandemic. In particular, the strategy recognises that the airspace needs significant redesign to enable the most efficient use and to reduce the environmental impacts³, in particular to address “a complex web of intersecting flightpaths”.

¹ Swanwick Airspace Improvement Programme – Airspace Deployment 6 co-sponsored by London Luton Airport Operations Ltd (LLAOL) and NATS.

² In accordance with the Civil Aviation Authority (Air Navigation) Directions 2023 which replace previous directions.

³ Ibid, paragraph 2.33.

- 1.3.3 Support for airspace modernisation was reiterated by the Government in its strategic framework for aviation, Flightpath to the Future (Ref 6), published in May 2022, and is also seen as a key element of delivering system efficiencies required as part of the Jet Zero Strategy (Ref 7).
- 1.3.4 Because of these interactions, delivering airspace modernisation requires collaborative working between a wide range of stakeholders to deliver the required changes. This is being coordinated by the Airspace Change Coordinating Group (ACOG), which is charged with producing an Airspace Change Masterplan (Ref 8) outlining how change will be delivered. This Masterplan needs to be approved by the CAA at each iteration. The Masterplan identifies the interdependencies between individual airspace change proposals that each airport will be required to bring forward to deliver the overall modernisation objectives. It has been identified that for the London Terminal Manoeuvring Area (LTMA), coordination is required between airspace proposals covering 11 airports⁴.
- 1.3.5 Each of these airports are at different stages in developing their own proposals to modernise airspace and, whilst proposals for London Luton Airport have already passed Gateway 2 of the CAP1616 process, meaning that initial options have been narrowed, these cannot proceed to the next stage without the interfaces to the other airports being resolved. This may require trade-offs to ensure that the overall objectives of airspace modernisation can be realised.
- 1.3.6 The Airspace Change Masterplan sets out, at section 3.4, how these trade off decisions will be made. Despite this complexity, the Masterplan, at its second iteration, envisaged implementation of the changes to airspace and flightpaths, following further public consultation and evaluation of the proposals by the CAA, over the period 2027 to 2029.

1.4 Relationship to the DCO

- 1.4.1 Achieving the capacity increase proposed at London Luton Airport does not directly require any change to the airspace in terms of arrival or departure routes for the aircraft in order to achieve the increase in runway capacity to at least 45 movements per hour on average over the peak period (**Need Case [AS-125]**, Table 7.1). Simulation modelling has demonstrated that the runway and the existing pattern of arrival and departure routes could accommodate 50 movements per hour at acceptable levels of delay (**Need Case [AS-125]**, paragraph 7.5.16).
- 1.4.2 Hence, the DCO does not, of itself, require changes to flightpaths, although the potential environmental benefits of modernisation in terms of enabling freer climb and descent of aircraft to minimise noise on the ground are recognised. In any event, currently, a substantive airspace change could not be promoted independent of the broader airspace modernisation coordination process. This applies particularly to changes in departure routes, albeit AD6 was able to be implemented because it was considered not to raise wider interface issues.

⁴ ACOG, Airspace Change Masterplan Iteration 2, Version 2.2, March 2022, Figure 10.

- 1.4.3 Nonetheless, the Applicant recognises that modernisation of airspace under FASI-S⁵ and LAMP⁶ is necessary to deliver system efficiencies and support the planned growth in aircraft movements across the UK. This applies particularly at the airports serving London, due to interface constraints with other airports that can currently act to limit the departure flow rate or lead to aircraft stacking.
- 1.4.4 The Applicant's demand forecasts have been produced in line with the Government forecasts for aviation growth, published as part of the Jet Zero Strategy (Ref 7) in July 2022, and so are reflective of the level of overall growth that has informed the Airspace Modernisation Strategy (Ref 5). The demand forecasts for London Luton Airport have been provided to NATS for the purpose of assessing future airspace requirements.
- 1.4.5 The Applicant has been in active discussion with the CAA and NATS regarding airspace modernisation. The CAA's position is set out in its Relevant Representation and encapsulated in the Statement of Common Ground which will be submitted at Deadline 2:
- "it is still the case that it is too early in the Airspace Modernisation programme to say what trade-offs will be required to resolve any conflict between the sponsors of separate airspace changes, or between different objectives. Therefore, it is also too early to say what benefits individual airports might achieve from airspace modernisation, whilst recognising that one of the goals for the AMS is to provide greater capacity overall. However, we have no principal areas of disagreement at this stage.*
- However, with that caveat, the CAA considers that there is no impediment to the Proposed Development on the grounds of airspace."*
- 1.4.6 Similarly, NATS (NATS En-route Ltd) has corroborated this position in its Statement of Common Ground to be submitted at Deadline 2:
- "NERL recognises that airspace changes under FASI and LAMP will have an impact on traffic over London TMA. NERL is committed to the Government's airspace modernisation initiatives.....*
- Whilst NERL has no principal areas of disagreement with the Proposed Development at this time, NERL cannot warrant or guarantee the output and timing of future and required airspace modernisation activities. Many factors and stakeholders interplay to deliver airspace change. As such, given the number of unknowns involved and their related dependencies, NERL cannot assess nor verify the feasibility of the anticipated increase in aircraft movements from the Proposed Development in respect of future airspace changes at the present time."*
- 1.4.7 It should be noted that these same considerations and uncertainties apply to all airports contemplating growth but uncertainties relating to airspace change

⁵ Future Airspace Strategy Implementation – South, which is the general programme for coordinating airspace modernisation across the South of England

⁶ London Airspace Modernisation Programme, which is the specific element being delivered directly by NATS for airspace above 7,000'.

have not been a factor leading to refusal to other airport expansion proposals since 2017, e.g., Stansted Airport or Bristol Airport.

- 1.4.8 However, recognising the potential uncertainties, the impact of the development has been assessed based on the existing flightpaths as set out in Section 4.15 of the **Environmental Statement [AS-074]**. This is considered to be a conservative basis for assessing the impact, particularly of noise, given the overarching objective of airspace modernisation to reduce noise impacts.
- 1.4.9 To test the extent to which there was a likelihood that changes to airspace in the vicinity of the airport might increase noise, a sensitivity test was undertaken as detailed in Table 5.4 of the **Environmental Statement [AS-075]**. This test was based on the departure route option that was considered, of itself, likely to give rise to the greatest noise impact. The sensitivity test demonstrated that, following airspace change, the noise implications in terms of contour area, were unlikely to be greater than those assessed in the Core Planning Case.
- 1.4.10 The **Green Controlled Growth Framework [APP-218]** makes provision for the implications of any future airspace change to be considered in setting future noise limits.
- 1.4.11 Overall, the Applicant considers it reasonable to assume that modernisation of airspace, in line with Government policy, will have taken place by the late 2020s, well before the major step up in capacity can be delivered in Assessment Phase 2a and that it will not be an impediment to realising the growth projected under the DCO. However, the process for delivering any changes to flightpaths is necessarily independent of the DCO itself.

REFERENCES

Ref 1 Civil Aviation Authority, CAP1616: Airspace Change - Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information, March 2021.

Ref 2 Department for Transport, Guidance to the Civil Aviation Authority on Environmental Objectives Relating to the Exercise of its Air Navigation Functions, January 2014.

Ref 3 Department for Transport, Upgrading UK Airspace Strategic Rationale Moving Britain Ahead, 2017.

Ref 4 Department for Transport, Aviation 2050: the future of UK, January 2018.

Ref 5 Civil Aviation Authority, CAP1711: Airspace Modernisation Strategy 2023-2040, Parts 1 and 2, January 2023.

Ref 6 Department for Transport, Flightpath to the Future, May 2022.

Ref 7 Department for Transport, Jet Zero Strategy: One Year On, July 2023.

Ref 8 Airspace Change Coordinating Group, UK Airspace Change Masterplan Iteration 2, Version 2.2, March 2022